

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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KATHLEEN D'AGOSTINO, et al.,

Plaintiffs,

v.

GOVERNOR DEVAL PATRICK, in his  
official capacity as Governor of the  
Commonwealth of Massachusetts;  
THOMAS L. WEBER, in his official  
capacity as the Commissioner of the  
Department of Early Education and Care;  
and SERVICE EMPLOYEES  
INTERNATIONAL UNION, LOCAL 509,

Defendants.

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Case No. 1:14-CV-11866-LTS

**Oral Argument Requested**

**MOTION OF STATE DEFENDANTS TO  
DISMISS AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Deval Patrick, in his official capacity as Governor of the Commonwealth of Massachusetts, and Thomas L. Weber, in his official capacity as Commissioner of the Department of Early Education and Care ("EEC") (collectively, the "State Defendants") respectfully submit this Motion to Dismiss the Amended Complaint. The State Defendants have submitted with this motion a Memorandum in Support of their Motion to Dismiss.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), the State Defendants request that this Court hear oral argument on this motion.

Respectfully submitted,

GOVERNOR DEVAL PATRICK, in his  
official capacity as Governor of the  
Commonwealth of Massachusetts, and  
THOMAS L. WEBER, in his official  
capacity as the Commissioner of the  
Department of Early Education and Care,

*By their attorney,*  
MARTHA COAKLEY  
ATTORNEY GENERAL

/s/ Tori T. Kim  
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Dated: September 26, 2014

**LOCAL RULE 7.1 STATEMENT**

I certify that I have conferred with opposing counsel, William L. Messenger, regarding this motion, and was unable to resolve or narrow the issues presented in the motion.

/s/ Tori T. Kim  
Tori T. Kim

**CERTIFICATE OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non-registered participants on today's date.

/s/ Tori T. Kim  
Tori T. Kim